

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

RESOLUTION R2-2006-0051

**RESOLUTION REQUESTING THE STATE WATER BOARD JOIN WITH BAY AREA
CLEAN WATER AGENCIES IN ESTABLISHING A JOINT POWERS AUTHORITY FOR
THE PURPOSE OF PROVIDING SCIENTIFIC SUPPORT TO STATE AND REGIONAL
AGENCIES AND MUNICIPALITIES**

WHEREAS the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board), its sister federal and state environmental agencies, and the municipalities it regulates have a consistent and continuing need for integrated and comprehensive information on water quality in the San Francisco Bay region; and

WHEREAS the Regional Water Board and its many partners have worked over two decades to establish enduring mechanisms for cooperation and collaboration in our mutual interest of protecting and enhancing water quality in the San Francisco Bay and its tributary watersheds; and

WHEREAS in spite of the interagency culture of cooperation we have endeavored to create, bureaucratic impediments to joint funding of collaborative endeavors continue to hinder many public agencies from full participation in regional efforts; and

WHEREAS a joint powers agreement allows two or more public entities to create a separate public entity (Joint Powers Authority) that allows the signatories to the agreement to more efficiently deliver services that meet the needs of the people they serve; and

WHEREAS the Bay Area Clean Water Agencies (BACWA) is a joint powers public agency consisting of owners and operators of publicly owned treatment works that discharge to the San Francisco Estuary. BACWA was formed to develop a region-wide understanding of watershed protection and enhancement needs through reliance on sound technical, scientific, environmental and economic information, and ensure that this understanding leads to long-term stewardship of the Estuary; and

WHEREAS the Regional Water Board and BACWA are two public entities that share a common goal of increasing scientific understanding of the San Francisco Estuary and using that knowledge to better manage the Estuary; and

WHEREAS a Joint Powers Authority (JPA) can appoint an agency or corporation, including a nonprofit corporation, to administer the JPA Agreement; and

WHEREAS the San Francisco Estuary Institute (SFEI) is a non-profit organization governed by a board of directors composed of Bay Area scientists, environmentalists, regulators, and representatives of local governments and industry; and

WHEREAS, in 1987, U.S. EPA established the San Francisco Estuary Project (SFEP), a cooperative program intended to promote effective management of the San Francisco Estuary and restore and protect its water quality and natural resources. SFEP developed a Comprehensive Conservation and Management Plan (CCMP) for the San Francisco Estuary that enumerates recommended actions to restore and protect water quality. The CCMP designated SFEI (known until 1994 as the Aquatic Habitat Institute) to provide scientific and technical support functions for CCMP implementation; and


WHEREAS, in 1993, the Regional Water Board entered into a memorandum of understanding with SFEI to administer and manage a new collaborative effort, the Regional Monitoring Program for Trace Substances (RMP), established to provide, integrated, comprehensive, and systematic information on Water Quality in the San Francisco Bay Region. All entities that hold Regional Water Board permits to discharge waste into the Estuary contribute funds to the RMP to support receiving water monitoring; and

WHEREAS bureaucratic encumbrances have made it difficult for some state and local agencies to obtain the scientific and technical support services that SFEI was established to provide in the spirit of the California Legislature's Concurrent Resolution 121 and participate in the RMP and other programs; and

WHEREAS a JPA established by the State Water Board and BACWA will be an efficient mechanism for conducting scientific studies and managing scientific information needed to support the common goals of both entities and allow public agencies to more efficiently and easily participate in the RMP. Consistent with the role it plays in administering the CCMP and the RMP, SFEI can efficiently and effectively administer the JPA.

NOW, THEREFORE BE IT RESOLVED that the Regional Water Board requests that the State Water Board join with the Bay Area Clean Water Agencies in establishing a Joint Powers Authority, named the San Francisco Estuary Authority, for the purpose of providing scientific support to state and regional agencies and municipalities. The San Francisco Estuary Authority shall be administered by SFEI.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on August 9, 2006.



BRUCE H. WOLFE
Executive Officer